

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

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| DAVID DONALDSON, |) | |
| |) | |
| <i>Plaintiff,</i> |) | |
| v. |) | No. 1:06-CV-234 |
| |) | <i>Chief United States District Judge Collier</i> |
| MASSEY & SPEEK, Attorneys at Law |) | |
| |) | |
| <i>Defendants.</i> |) | |

ORDER

David Donaldson ("Donaldson") has filed a *pro se* prisoner's complaint (Court File No. 2). The Court previously ordered Donaldson to notify the Court of the exact type of complaint he is attempting to file and the authority under which he is filing the complaint and to submit a complete application to proceed *in forma pauperis* by January 17, 2007 (Court File No. 3). In that same Order, the Court denied Donaldson's motion for appointment of counsel.

Presently before the Court is Donaldson's second motion for appointment of counsel (Court File No. 5). In support of his motion, Donaldson submits a discharge summary, dated January 12, 2005, which reflects he has Schizoaffective Disorder, bipolar type and that he had stopped his medications and had used illicit substances prior to his admission at Maury County Medical Center. For the reasons set forth in the Court's December 18, 2006 Order, Donaldson's motion for appointment of counsel is **DENIED** (Court File No. 5). The Court remains unable to determine the viability or frivolity of Donaldson's claims at this time. In addition, Donaldson has neither paid the filing fee or filed a proper *in forma pauperis* application. Therefore, the Court finds that the motion for appointment of counsel is premature and Donaldson is presently able to represent himself and present his case. Accordingly, Donaldson's motion for appointment of counsel (Court File No. 5)

is **DENIED** at this time.

Donaldson is reminded that failure to timely file a proper complaint—identifying the type of complaint he is attempting to file and the authority under which he is filing the complaint—and *in forma pauperis* application on or before **January 17, 2007**, will result in the dismissal of this action for failure to prosecute. In addition, Donaldson is again **ORDERED** to inform the Court, and the defendants or counsel of record for the defendants, immediately of any address changes. Failure to provide a correct address to this Court within ten (10) days following any change of address will result in the dismissal of this action.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE